



**AMERICAN SOCIETY  
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June 19, 2007

The Honorable Lynn C. Woolsey  
Chairwoman  
Subcommittee on Workforce Protections  
Committee on Education and Labor  
U.S. House of Representatives  
2181 Rayburn House Office Building  
Washington, DC 20515-6100

RE: ASSE Support for HR 2693

Dear Chairwoman Woolsey:

The American Society of Safety Engineers (ASSE) applauds you for your leadership in addressing quickly the risks posed to workers from the chemical diacetyl used in microwave popcorn and a wide range of other food preparation processes. ASSE supports your bill, HR 2693, calling for the Occupational Safety and Health Administration (OSHA) to promulgate an interim final standard within 90 days that provides protections to workers no less stringent than recommended by the National Institute for Occupational Safety and Health (NIOSH) in its alert, "Preventing Lung Disease in Workers Who Use or Make Flavorings" (NIOSH Publication 2004-110) available at <http://www.cdc.gov/Niosh/docs/2004-110/>.

ASSE does recognize, however, that there are wide gaps in industry's knowledge on this issue, as the NIOSH alert itself indicates –

Occupational exposure guidelines have been developed for only a small number of the thousands of ingredients used in flavorings. For example, Occupational Safety and Health Administration (OSHA) permissible exposure limits (PELs) and/or NIOSH recommended exposure limits (RELs) have been established for only 46 (<5%) of the 1,037 flavoring ingredients considered by the flavorings industry to represent potential respiratory hazards...

ASSE would encourage you and the Subcommittee to consider amendments to this bill or separate legislation that would require OSHA to establish a negotiated rulemaking process that could give all stakeholders the opportunity to expand knowledge and understanding of exposure limits beyond 46 flavorings. For these and other chemicals, negotiated rulemaking would give OSHA a much better chance of achieving exposure limits that would help avoid the unfortunate litigation that has impeded OSHA's efforts to update existing PELs.

Further, ASSE is particularly encouraged that HR 2693 makes the link between NIOSH research and OSHA action that was explicitly envisioned in the Occupational Safety and Health Act of 1970. ASSE hopes that Congress can find other opportunities to help bring together the considerable talent and research of NIOSH with OSHA's enforcement and outreach capabilities.

As always, ASSE and its 30,000 member safety, health and environmental professionals stand ready to assist you and the Subcommittee to see that HR 2693 becomes law.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald S. Jones, Sr.", with a stylized flourish at the end.

Donald S. Jones, Sr., CSP, PE  
President

cc: The Honorable Joe Wilson  
Ranking Minority Member